

REMARKS

In light of the above amendments and remarks to follow, reconsideration and allowance of this application are respectfully requested.

Claims 1, 3-5, 7-10 are pending. Claims 2 and 6 have been canceled.

Claims 1-3 and 5-7 were rejected under 35 U.S.C. §102(a) as being anticipated by Fijita (US 5,841,740).

Amended independent claim 1 recites in part as follows:

“means to be controlled having recording means and **information relating to free storage space of the recording means**

wherein the control means has management information relating to free storage space that is **synchronized** with the information relating to the free storage space of the recording means of the means to be controlled.” (emphasis added)

The Office Action relies on figs. 1 and 2; col. 7, lines 10-37; col. 9, lines 50-58, col. 10, lines 12-16; col. 12, lines 14-21; col. 13, line 40 to col. 14, line 23; and col. 20, lines 60-63 to teach the above-recited feature. It is respectfully submitted that the portions of Fijita (hereinafter “Fijita”) do not disclose the above features. Applicants submit that Fijita merely discloses a free space list in the control system. Fijita does not disclose that the means to be controlled has “information relating to free storage space of the recording means” nor does Fijita disclose that such information is synchronized with the management information (free space list) of the control means. Accordingly, amended claim 1 is believed to be distinguishable from Fijita.

For reasons similar or somewhat similar to those described above with regard to claim 1, amended independent claim 5 is believed to be distinguishable from Fijita.

Claims 3 and 7 depend from one of claims 1 and 5, and, due to such dependency, are believed to be distinguishable from Fijita.

Claims 4 and 8 were rejected under 35 U.S.C 103(a) as being unpatentable over Fijita in view of Venkatraman (US 6,505,217).

Claims 4 and 8 depend from one of claims 1 and 5, and, due to such dependency, are believed to be distinguishable from the Fijita. The Examiner does not appear to have relied on Venkatraman to overcome the above-described deficiencies of Fijita. Accordingly, claims 4 and 8 are believed to be distinguishable from the applied combination of Fijita and Venkatraman.

Claims 9 and 10 were rejected under 35 U.S.C 103(a) as being unpatentable over Fijita in view of Schmuck (US 6,032,216).

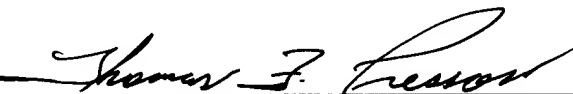
Claims 9 and 10 depend from one of claims 1 and 5, and, due to such dependency, are believed to be distinguishable from the Fijita. The Examiner does not appear to have relied on Schmuck to overcome the above-described deficiencies of Fijita. Accordingly, claims 9 and 10 are believed to be distinguishable from the applied combination of Fijita and Schmuck.

In the event that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where in the reference, or references, there is the basis for a contrary view.

In view of the foregoing, entry of this amendment and these remarks and withdrawal of the rejection of claims 1, 3-5, and 7-10 and the allowance of this application with claims 1, 3-5, and 7-10 are respectfully requested.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By: 
Thomas F. Presson
Reg. No. 41,442
(212) 588-0800